

DEPARTMENT OF HEALTH
WASHINGTON STATE BOARD OF PHARMACY
MEETING MINUTES

June 1, 2006
Department of Health
Point Plaza East – Conference Rm 152/153
310 Israel Road SE
Tumwater, WA 98501
(360) 236-4825

CONVENE

Chair Asaad Awan convened the meeting at 9:03 a.m. on June 1, 2006. Board Members present:

Donna Dockter, RPh
Gary Harris, RPh
Rebecca Hille, Vice-Chair
Rosemarie Duffy, RN
Susan Teil-Boyer, RPh

Absent Member:

George Roe, RPh

Staff Members present:

Joyce Roper, Assistant Attorney General
Steven Saxe, Executive Director
Lisa Salmi, Deputy Executive Director
Tim Fuller, Pharmacy Consultant
Andy Mecca, Pharmacy Consultant
Grace Cheung, Chief Investigator
Doreen Beebe, Program Manager
Jennifer Wells, Program Support

June 1, 2006

Open Meeting

CONSENT AGENDA

- 1.2** Pharmacy & Other Firm Application Approval
 - Report of opened and closed pharmacy firms from 04/08/06 thru 06/15/06
- 1.3** Pharmacy Technician Application Approval
 - Lorna R. Mayo
- 1.4** Pharmacy Tech Training Program Approval
 - Kmart Pharmacy
- 1.5** Collaborative Drug Therapy Agreement Acceptance
 - Scott White/Anti-Malarial Prophylaxis
 - Scott White/Altitude Sickness
 - Scott White/Epi-Pen
 - Scott White/Motion Sickness
 - Jennifer Matin/Anti-Malarial Prophylaxis
 - Jennifer Matin/Traveler's Diarrhea
 - Jennifer Matin/Altitude Sickness
 - Jennifer Matin/Epi-Pen

- Jennifer Matin/Motion Sickness
- Roger Woolf/Anemia

Items 1.1- Pharmacist License Application Approval; 1.6- Automated Drug Dispensing Device Acceptance; and 1.7- Sample Distribution Requests were deleted from the consent agenda.

MOTION: Rebecca Hille moved to accept 1.2, 1.3, 1.4, 1.5, and 1.8, with correction to page 3, Susan Teil-Boyer made reference to the American Pharmaceutical Association (APhA) conference.

MOTION CARRIED.

REPORTS

Executive Director Steven Saxe reported on the following:

Health Professions Section Four

- Tim Alden was reappointed to the Dispensing Optician Examination Committee.
- Dr. William Keatts was appointed by Governor Gregoire on May 5, 2006, to serve on the Veterinary Board of Governor's.
- In 2005, methamphetamine precursor law ESHB2266 required the establishment of a task force comprised of representatives from the Board of Pharmacy, legal, law enforcement, and retail industries to evaluate the efficiency of the retail transaction logs for products containing ephedrine, pseudoephedrine, or phenylpropanolamine as a deterrent for methamphetamine production. A report to the legislature is due November 2007. On April 25, 2006, representatives of the retail businesses tasked with maintaining these logs selected two representatives to the Methamphetamine Work Group. The Work Group had its first meeting scheduled for June 13. Members include: Donna Dockter, Board of Pharmacy; Chris Johnson, Attorney General's Office; Mark Lindquist, WA Assoc of Prosecuting Attorneys; Gary Gasseling, Washington State Patrol; Scott Smith, WA Assoc of Sheriff and Police Chiefs; Lee Worthy, Safeway; and Dan Connolly, Bartell for retail.

BOARD MEMBERS

Rebecca Hille and *Asaad Awan* attended the Board and Commission Leadership Forum on April 26th. The discussion included roles and relationships, disciplinary sanctions, sexual abuse/misconduct, etc. Ms. Hille has requested to participate on a task force developing recommendations for revisions to the Uniform Discipline Act (UDA).

Donna Dockter attended a University of Washington town hall meeting in which the guest speaker, a pharmacist from Oregon, discussed the state's "Death with Dignity" laws and related dispensing issues.

CONSULTANT PHARMACISTS

Tim Fuller provided an update on the Drug Disposal meeting sponsored by the DEA.

Mr. Fuller presented at a meeting in Spokane Region 9, regarding emergency response. He attended a course on Clear Rule Writing. Grace Cheung, Tim Fuller, and Andy Mecca attended the State Investigator Training course.

Andy Mecca updated the Board on the collaborative work being done by the Department of Health, Labor and Industries, Department of Corrections, and other agencies in establishing opioid dosing guidelines. Meetings are still progressing. This group is working on developing guidelines to ensure the safe use of opioid pain relievers for treatment of non-cancer pain. A guideline has been drafted and continues to be refined. Final guideline will be reported to the Board.

CHIEF INVESTIGATOR

Grace Cheung reported on the following:

- Along with Tim Fuller and Stan Jeppesen, Ms. Cheung attended the Drug Disposal Meeting in Portland, OR. They participated in discussions regarding the appropriate disposal of drugs in the community setting. Participants included: the Drug Enforcement Administration, representatives of the Oregon and Montana Boards of Pharmacy, and various environmental agencies from the northwest region.
- Weekly participation in the University of Washington (UW) Pharm 440 communications lab class is coming to a close. The investigators involved this year include Tim Fuller, Stan Jeppesen, Kelly McLean, Andy Mecca, Dick Morrison, and Grace Cheung. This class provided investigators with an avenue to share the Board's expectations with current and future pharmacists who work with these students/interns.
- On May 4, 2006, Steven Saxe, Andy Mecca and Ms. Cheung met with UW and Washington State University instructors to discuss Internship and Preceptor issues.
- Stan Jeppesen gave a lecture to UW pharmacy students regarding implementation of Quality Improvement Methods in the Retail Pharmacy Environment on May 8, 2006. This lecture was aimed at ways of reducing dispensing errors.
- On May 8, 2006, Jim Doll provided a joint presentation with Pierce County Prosecutor on prescription forgeries and the legal consequences at Multicare Medical Center, Tacoma.
- On May 18, 2006, Jim Doll provided a joint presentation with Pierce County Pharmacy Association entitled, "Update on pending pharmacy rules".
- From May 19th to 21st, 2006, Ms. Cheung and Dick Morrison drafted new law exam questions to be introduced into the Washington state pool of questions for the Multi-state Jurisprudence Exam (MPJE). Dick was one of a few MPJE Review Committee members who were tasked to assist representatives from each state in drafting quality questions.

PROGRAM MANAGER

Doreen Beebe reported on the following:

- Introduced Jennifer Wells, who was appointed to the new Board/Committee support position on May 15th.
- A "New Board Member Orientation" was held on May 31, 2006. This is a great source of information for new board members to learn about their role and responsibilities as members of a gubernatorial board.
- There is an upcoming Rules Hearing on July 20th regarding Automatic Drug Distribution Devices.
- May 2006 Budget reports were distributed for members to review.

PRESENTATIONS

eClinicalWorks

Tim Fuller provided an introduction to a presentation by eClinicalWorks. Mr. Bhavin Shah presented an online demonstration of eClinicalWorks' electronic prescription transmission system to the board for approval. The demonstration highlighted the required elements. eClinicalWorks will add to its fax transmission the name or logo of the electronic system.

Key Points

- System includes list of all medications available on the market today.
- Gives an alert to the doctor when prescribing a medication from the same family of products as the previously prescribed medication. (Alerts of duplication)
- Will allow input of weight-based medications.

- Will alert of interactions, gives the prescriber a list of options to choose from of interactions and the prescriber can review the interactions (drug-drug, drug-food, etc.)
- Has option to show “no substitute”, generic prescription name, can add coversheet, and prescriber can add comments.
- Prescriptions are faxed only, each fax shows who prepared the prescription and adds a unique transaction identifier.
- Prescriber can input patient’s preferred pharmacy, or any pharmacy of the patient’s choice.
- System prints DEA# and License # on prescription, and can also add new signature to prescription other than one saved in the system for each provider.
- System keeps a log and copies of each fax.
- The system stores all sent faxes infinitely.
- Has ability to search prescription history by date or by patient.

MOTION: Susan Teil-Boyer moved to approve the electronic prescription transmission system by eClinicalWorks. **MOTION CARRIED.**

Design Clinicals LLC

Tim Fuller provided an introduction to a presentation by Design Clinicals LLC. Design Clinicals LLC has requested approval to establish an Electronic Prescription Transmission System.

Dr. Charles Butler, MD, (Valley Medical Center) provided an introduction to his business which is comprised of 4 partners, of which, 2 are physicians. They began their business in August 2005 with the idea of improving communication with MedsTracker between physicians and patients in regards to tracking and prescribing medications.

Key Points

- Web-based, extracts list of medications downloaded from Electronic Medical Records software by McKesson.
- Currently prints prescriptions for faxing or delivering to pharmacy. This program is not currently an electronic sending system, although it possibly will be in the future.
- Provides security by ensuring unique user identification with encrypted passwords.
- User ID’s associated with specific roles.
- Has audit function to record the date, time, and user that accessed the system.
- Has login timeout of 3 minutes.
- Has a user self audit for verification of usage. Allows user to ensure account was not used by anyone other than the user themselves.
- Has detailed “keystroke” auditing showing each step the user took.
- All data is reviewable.
- NCPDP Basic Guidelines compliant.
- Shows medication history, dosage, usage, and timelines.
- Patient drug profiles.
- Compliant with controlled substance regulations.
- Drug use review, medication error, quality assurance.
- Allows history search.

Key Concerns

- Does the system allow the prescriber to select non-formulary drugs?

MOTION: Donna Dockter moved to approve the electronic prescription transmission system by Design Clinicals, LLC. **MOTION CARRIED.**

DISCUSSION

Pharmacist Responsibilities Draft Rule Language

The Board discussed the draft rules from the May 2nd meeting and reviewed Washington laws related to conscience clauses and discrimination. In addition, they referenced other states' regulations and a list provided to Donna Dockter by other pharmacists of non-clinical situations when a pharmacist may choose not to dispense.

The Board discussed which draft rule version to adopt and each Board member stated their preference of the two drafts. **MOTION:** Rosemarie Duffy moved to accept the first draft rule language (Draft 1) from the May 2nd Meeting. **MOTION FAILED** with a vote of 2 (Duffy, Harris)-3 (Dockter, Hille, Teil-Boyer), the Board Chair did not vote.

The Board adjourned for a 15 minute closed session to discuss potential litigation.

The Board amended both rule language drafts and developed a third draft.

- Subsection (1) reads: Pharmacists and ancillary personnel shall not obstruct a patient in obtaining a lawfully prescribed drug or device.
- Add: Second sentence of Draft 2 omitting "stocked"
- Add: (1)a, b, c and d of Draft 2; and (4)a and c of Draft 1.
- Delete: all words following professional responsibilities from subsection (2)
- Add: to subsection (3) after "payment" – of their usual and customary or contracted charge.
- Remove: subsection (4)
- Remove: subsection (7)

MOTION: Rebecca Hille moved to accept the new draft. **MOTION CARRIED** with an affirmative vote of 5-0, the Board Chair did not vote.

Service Recognition

The Board recognized 24 Pharmacists who have been licensed in the state of Washington for 50 years. The honorees will also be recognized at the 3rd Annual Northwest Pharmacy Conference in Spokane.

Administration of Medication in Schools

Tim Fuller provided a request for information from the Office of Superintendent of Public Instruction (OSPI), asking for input to update their policy regarding administration of medication in schools. This policy will be distributed to schools concerning immediate access to medications and providing required medications to students when medications stored in a locked cabinet may not be easily accessible.

There was concern that if students were on a field trip or in a sporting event away from school, how they would have access to their medications if the medications are in a locked cabinet at the school. There was discussion of self-administration, or having a teacher, bus driver, or coach carry the prescription medication in case of emergencies.

Paula Meyer, Executive Director of the Nursing Commission, voiced her concerns about maintaining safety for all children while providing immediate access for the child in need. She was concerned if that meant allowing the child to carry their own medication. There was also concern about controlled substances. If a child needs a different medication, should that child be able to carry a controlled substance as well.

It was concluded that the Board of Pharmacy will work with the Nursing Commission to develop and provide input to OSPI for distribution to schools regarding safekeeping and administration of medications for students.

Offsite Pharmacy Practice

Andy Mecca presented two requests for approval to permit pharmacists to engage in the practice of pharmacy at a location other than a pharmacy. The first letter was from Medco, stating they have implemented programs in a number of states in which pharmacists are practicing their profession in alternative settings, primarily their residence or a separate private office under their control.

The second request is from Sarah Benator, of Foley & Lardner LLP, Attorneys at Law, who have a client providing a service where individuals can email questions to a pharmacist, and get a response via email with general medication information about prescription medications, non-prescription medications, and dietary supplements. Depending on the question the individual asks, the pharmacist may also guide him or her to appropriate sources of medication and medical information. When appropriate, the pharmacist will recommend the individual contact their physician. The pharmacist does not recommend specific prescription medications or diagnose medical conditions, and the service is not an online pharmacy.

The questions are: (1) does an email as described above constitute the practice of pharmacy under Washington law, and (2) is a pharmacist who resides outside of Washington and who answers an email from a Washington resident required to be licensed in Washington.

The Board agreed they would need more information from Ms. Benator to further address her questions.

Joyce Roper noted that nothing states that pharmacy practice is restricted to a “pharmacy”. Some pharmacists practice outside of a conventional pharmacy, such as in clinics and other non-dispensing facilities.

Prescription Legibility Legislation

Andy Mecca distributed a draft of the notice to be mailed to all practitioners with prescriptive authority, pharmacies and pharmacists regarding 2SHB 2292. The law, which is effective June 7, 2006, further defines a “legible prescription” by stating, a prescription must be hand-printed, typewritten, or electronically generated.

Susan Teil-Boyer expressed that in hospitals this bill will improve patient safety and reduce errors. There was an expressed concern from the audience that a prescription written in cursive is not a legal prescription. The Board determined that the law addressed the definition of a legible prescription and that a prescription written in cursive will be considered illegible, not illegal.

Executive Director Saxe stated that staff will be working with the other boards and commissions within the Department of Health in the technical assistance of practitioners. At this juncture the staff has been directed to take an educational approach to this new law.

Petition for Rulemaking

The Board discussed a petition filed by Adam Karp, an animal rights attorney. Mr. Karp provided the Board with clarification of his petition and answered questions from the Board. The petition requests that the Board adopt rules regarding the administration, recordkeeping, and public disclosure

of logbooks relating to the use of sodium pentobarbital and legend drugs by animal control agencies and humane societies in the performance of humane euthanasia.

Donna Dockter expressed her concern that the current rules aren't being followed and that inspections have primarily focused on storage, access, and inventory of the drug supply. The Board discussed the need for developing guidelines to address the concerns raised in the petition rather than pursuing the rulemaking process.

MOTION: Donna Dockter moved to develop guidelines describing what is sufficient detail to include, at a minimum; weight, dose, and method of administration. **MOTION CARRIED.** Joyce Roper reminded the Board that guidelines are not enforceable. **MOTION:** Donna Dockter moved to open the rulemaking process regarding the administration and recordkeeping requirements for animal control agencies and humane societies. **MOTION CARRIED.**

Petition for Rulemaking

The Board discussed a petition submitted by a Washington pharmacist requesting the Board adopt rules making ephedrine and pseudoephedrine prescription only. The Legislature has included provisions for the over-the-counter sale of ephedrine and pseudoephedrine (RCW 69.43); therefore, the Board does not have the authority to move forward on this request. The legislature also addressed various options during the 2005 legislative session and asked the Board to create rules requiring a sales transaction log. A work group is required to evaluate the effectiveness of the log and report to the legislature by November 2007.

MOTION: Rebecca Hille moved to deny the petition for rule making. **MOTION CARRIED.**

MOTION: Rosemarie Duffy moved to postpone Agenda Items 3.8 and 3.9 to a future meeting. **MOTION CARRIED.**

OPEN FORUM

No comments provided.

PRESENTATION OF AGREED ORDERS

CLOSED SESSION – Case Presentations.

Adjournment

There being no further business, the Board adjourned at 5:00 p.m. They will meet again on July 20, 2006 in Tumwater, Washington.

Respectfully Submitted by:

Jennifer L. Wells, Program Staff

Approved on July 20, 2006

*Dr. Asaad Awan, Chair
Board of Pharmacy*